

Entered - 12-22-97 - sb
CL 97L0777 - GWENDOLYN BURNS

00- R -1906

CLAIM OF: **WILLIE P. WALLACE**
232 Barfield Avenue, SW
Atlanta, Georgia 30310

CONSENT AGENDA

For property damages alleged to have been sustained when a driveway was destroyed during a sewer excavation project in August, 1997 at 232 Barfield Avenue, SW.

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION
COMMITTEE:

BE IT RESOLVED by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **WILLIE P. WALLACE** the sum of **\$1,700.00** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for damages alleged to have been sustained when a driveway was destroyed during a sewer excavation project in August, 1997 at 232 Barfield Avenue, SW as is more particularly set forth in the within claim; said sum taken from and charged to account 2J01/529017/T31001, Settlement of Suits and Claims, Department of Law.

APPROVED: SUSAN PEASE LANGFORD
CITY ATTORNEY

ADJUTANT REPORT

Public Safety

DATE *11/28/00*

CITY *C. T. Martin*

BY: *Rosalind Rubens Kewee*
ROBERT N. GODFREY
DEPUTY CITY ATTORNEY

Michael Smith

ADOPTED BY
DEC 04 2000
COUNCIL

CERTIFIED
DEC 4 2000
ATLANTA CITY COUNCIL PRESIDENT

CERTIFIED
DEC 04 2000
INDIVIDUAL CLERK

APPROVED
DEC 13 2000
BY OPERATION OF LAW

**MUNICIPAL CLERK
ATLANTA, GEORGIA**

00-R-1906

A RESOLUTION

**BY PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE**

BE IT RESOLVED BY the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **Willie P. Wallace** in the sum of **\$1,700.00** in full settlement and satisfaction of all claims, past, present and future, of every kind and character, for property damages alleged to have been sustained when a **driveway was destroyed during a sewer excavation project in August, 1997 at 232 Barfield Avenue, SW** as is more particularly set forth in the within claim; said sum taken from and charged to Account 1A01/529017/T31001, Settlement of Suits and Claims, Department of Law.

A true copy,


Deputy Clerk

ADOPTED by the Council
RETURNED WITHOUT SIGNATURE OF THE MAYOR
APPROVED as per City Charter Section 2-403

DEC 04, 2000

DEC 13, 2000

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 97L0777

Date: November 16, 2000

Claimant /Victim WILLIE P. WALLACE
BY: (Atty) (Ins. Co.) _____
Address: 232 Barfield Avenue, SW, Atlanta, Georgia 30310
Subrogation: _____ Claim for Property damage \$ 1,950.00 Bodily Injury \$ _____
Date of Notice: 12/19/97 Method: Written, Proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 _____ X Ante Litem (6 Mo.) X
Date of Occurrence 8/97 Place: 232 Barfield Avenue, SW
Department PUBLIC WORKS Division Sewer Operations
Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: Claimant sustained property damage when her driveway was destroyed and never replaced by a city sewer crew during an excavation project at the edge of her property.

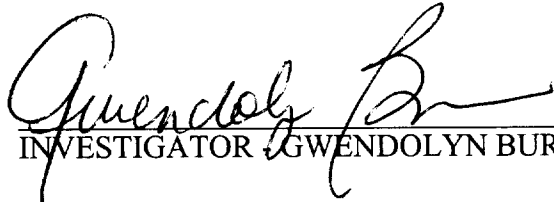
INVESTIGATION:

Statements: City employee X Claimant _____ Others _____ Written _____ Oral X
Pictures _____ Diagrams _____ Reports: Police _____ Dept Report _____ Other _____
Traffic citations issued: City Driver _____ Claimant Driver _____
Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial _____
Improper Notice _____ More than Six Months _____ Other _____ Damages reasonable X
City not involved _____ Offer rejected _____ Compromise settlement _____
Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____
Claimant Negligent _____ City Negligent X Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ 1,700.00 Adverse _____ Account charged: 1A01 _____ 2J01 X 2H01 _____
Claims Manager:  Concur/date 11-17-00
Committee Action: _____ Council Action _____

COUNCIL OF THE CITY OF ATLANTA
CLERK OF COUNCIL
City Hall
55 Trinity Avenue, S.W.
Atlanta, Georgia 30335

RE: CLAIM FOR DAMAGES

BURNS
12-19-97

Today's Date: _____

ENTERED - 12/22/97 - tew
97L0777 - GWEN BURNS

Dear Clerk of Council:

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 1,9500 property and/or \$ rental bodily injury for which I contend the City is liable.

1. Date of incident: August 1997
(month/day/year)
2. Police called: _____
Yes ☐ No ☒
3. Location of incident: 232 Barfield Ave SW
4. Name of your insurance company: _____ Policy No. _____
5. State what and how incident occurred: Sewer Caved in from Neglect. The City took up a drive way in the back yard and refused to replace it saying it was my fault. But they failed to tell me they were going to Repair it otherwise I wouldn't have told them to take the other half up
6. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!
7. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).
Your vehicle: _____
(make) (year) (tag number) (driver's name)
City vehicle: _____
(make) (City driver's name) (department/bureau)
8. Witness: _____
(name) (address) (telephone number)
9. The acknowledgement of this claim in no way waives the Governmental immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).
10. This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE
INFORMATION IS TRUE AND CORRECT.

Mr. Willie F. Wallace
(claimant's name)

232 Barfield Ave
(address)

Atlanta, Ga
(city and state)

00- R -1906

Retired
(work number)

404-691-17
(home number)

RCS# 2434
12/04/00
3:58 PM

Atlanta City Council

Regular Session

CONSENT

Pages: 1-19

ADOPT

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 1

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

NV McCarty
Y Starnes
Y Bond
Y Winslow

Y Dorsey
Y Woolard
Y Morris
Y Muller

Y Moore
Y Martin
Y Maddox
Y Boazman

B Thomas
Y Emmons
NV Alexander
NV Pitts

ITEM (S) REMOVED FROM
CONSENT AGENDA
00-O-1874
00-O-1986
00-R-1950

CONSENT

| | | 12/04/00 Council Meeting |
|---|--|---|
| ITEMS ADOPTED ON CONSENT AGENDA | ITEMS ADOPTED ON CONSENT AGENDA | ITEMS ADVERSED ON CONSENT AGENDA |
| 1. 00-O-1289 2. 00-O-1680 3. 00-O-1792 4. 00-O-1797 5. 00-O-1003 6. 00-O-1228 7. 00-O-1795 8. 00-O-1796 9. 00-O-1860 10. 00-O-1616 11. 00-O-1853 12. 00-O-1801 13. 00-O-1963 14. 00-O-1965 15. 00-R-1788 16. 00-R-1886 17. 00-R-1953 18. 00-R-1955 19. 00-R-2009 20. 00-R-2010 21. 00-R-2011* 22. 00-R-1890 23. 00-R-1937 24. 00-R-1938 25. 00-R-1939 26. 00-R-1940 27. 00-R-1988 28. 00-R-2006 29. 00-R-2013 30. 00-R-1887 31. 00-R-2015 32. 00-R-1957 33. 00-R-1958 34. 00-R-1877 35. 00-R-2008 | 36. 00-R-1959 37. 00-R-1882 38. 00-R-1985 39. 00-R-1943 40. 00-R-1945 41. 00-R-1946 42. 00-R-1947 43. 00-R-1948 44. 00-R-1949 45. 00-R-1951 46. 00-R-1970 47. 00-R-2016 48. 00-R-1901 49. 00-R-1902 50. 00-R-1903 51. 00-R-1904 52. 00-R-1905 53. 00-R-1906 54. 00-R-1907 55. 00-R-1908 56. 00-R-1909 57. 00-R-1910 58. 00-R-1911 59. 00-R-1912 60. 00-R-1913 61. 00-R-1914 62. 00-R-1915 63. 00-R-1916 | 64. 00-R-1816 65. 00-R-1817 66. 00-R-1818 67. 00-R-1819 68. 00-R-1820 69. 00-R-1821 70. 00-R-1822 71. 00-R-1823 72. 00-R-1824 73. 00-R-1825 74. 00-R-1826 75. 00-R-1827 76. 00-R-1828 77. 00-R-1829 78. 00-R-1830 79. 00-R-1831 80. 00-R-1832 81. 00-R-1833 82. 00-R-1834 83. 00-R-1836 * President Pitts recused himself. |